

MONDAY, APRIL 10, 1995

THIRTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Larry Knowles, Woodmoore Church of God, Chattanooga, Tennessee.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Purcell; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 215: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 20: Rep(s). McMillan, Cole(Carter), Kent, Haley, Williams (Williamson), as prime sponsor(s).

House Bill No. 68: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 352: Rep(s). Peach as prime sponsor(s).

MONDAY, APRIL 10, 1995 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 651: Rep(s). Haley, Ford, Curtiss, Williams (Union), McDonald, Joyce and Boyer as prime sponsor(s).

House Bill No. 1007: Rep(s). Cole(Carter), Eckles, Turner (Hamilton), Kent and Givens as prime sponsor(s).

House Bill No. 1686: Rep(s). Givens, Windle and Bragg as prime sponsor(s).

House Bill No. 1691: Rep(s). Cole(Carter), Eckles and Kent as prime sponsor(s).

House Bill No. 1708: Rep(s). Haley and Curtiss as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Williams (Union) was/were removed as sponsor(s) of House Bill No. 20.

MESSAGE FROM THE GOVERNOR

April 7, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 120, 168, 170, 176, 177 and 178; with his approval.

HARDY MAYS, Counsel to the Governor.

SIGNED

April 7, 1995

The Speaker signed the following: Senate Joint Resolution(s) No(s). 101 and 102.

MESSAGE FROM THE GOVERNOR

April 10, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 175; with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 10, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 153; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 153 -- Memorials, Recognition and Thanks -- Holly Godwin, Jr., Melvin Jones Award recipient. by *Springer.

MESSAGE FROM THE SENATE

April 10, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 159; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 159 -- Memorials, Recognition and Thanks -- Adair Schippers. by *Person, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Rice, *Rochelle, *Springer, *Wallace, *Wildner, *Womack, *Wright.

MESSAGE FROM THE SENATE
April 10, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1217; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 10, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1069; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 216** -- General Assembly, Studies -- Creates special joint committee to study use of cleaner environmentally friendly fuels. by *Kernell.

Transportation Committee

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 12, 1995:

Senate Joint Resolution No. 151 -- Memorials, Recognition and Thanks -- Private Industry Council of Service Delivery Area #4 and Job Training Program of Roane State Community College. by *O'Brien.

Senate Joint Resolution No. 152 -- Memorials, Recognition and Thanks -- Reverend Verlon Moore, Hilldale Baptist Church, Clarksville. by *Rice.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1876, was/were referred to the Delayed Bills Committee.

House Bill No. 1876 -- Motor Vehicles -- Revises procedures for towing, preservation and storage of abandoned motor vehicles; establishes procedure for removal of trespassing vehicle from private property; adds definitions of "immobile motor vehicle" and "unattended motor vehicle." Amends TCA Title 55, Chapter 16, and Title 66, Chapter 19. by *Jackson.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1843 -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1995. by *Bittle, *Bragg, *Davis, *McDaniel, *Kisber, *Head, *Walley, *Kent, *Cole (Carter), *Wood, *Gunnels, *Rhinehart, *Williams (Union), *Whitson, *Coffey, *Ford S, *Sharp, *Venable, *Davidson, *DeBerry L, *Jones U (Shelby), *Turner (Shelby), *Jones R (Shelby), *Miller L, *Boyer, *Cantrell, *Rinks, *Westmoreland, *Callicott, *McAfee, *Ramsey, *McKee, *Kerr, *Dunn, *Newton, *Huskey, *Winningham, *Haley.

House Bill No. 1844 -- Bond Issues -- Authorizes \$140,800,000 bond issue to fund state projects. by *Bittle, *Bragg, *Davis, *McDaniel, *Kisber, *Head, *Walley, *Armstrong, *Kent, *Cole (Carter), *Wood, *Rhinehart, *Whitson, *Davidson, *Coffey, *Ford S, *Sharp, *Williams (Union), *Venable, *DeBerry L, *Turner (Shelby), *Jones U (Shelby), *Jones R (Shelby), *Miller L, *Westmoreland, *Callicott, *Roach, *Duer, *Dunn, *Newton, *Huskey, *Winningham, *Haley, *Rinks.

House Bill No. 1867 -- Agriculture, Dept. of -- Exempts from food service establishment requirements and inspection catering businesses that employ no regular full time employees, food preparation is performed solely within confines of principal residence of proprietor, and such business makes only occasional sales during any 30 day period. Amends TCA Title 53, Chapter 8. by *Rhinehart.

***House Bill No. 1877** -- Henry County -- Subject to local approval, restructures school board to conform with requirements of the Education Improvement Act of 1992. Repeals Chapter 436, Private Acts of 1933, as amended. by *Ridgeway.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

Senate Bill No. 265 -- Jails, Local Lock-ups -- Allows sheriff in all counties to appoint disciplinary panel that reviews revocation of sentence credits for rules' violations of inmates sentenced to county jails or workhouses. Amends TCA 41-2-111. by *Henry, *Crowe.

***Senate Bill No. 492** -- Sunset Laws -- Health facilities commission, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Haynes.

Senate Bill No. 871 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for members of Tennessee Police Benevolent Association. Amends TCA Title 55, Chapter 4. by *McNally, *Kyle.

***Senate Bill No. 1293** -- Medicine, Practice of -- Redefines "quorum" for board of medical examiners; expands grounds upon which board may suspend or revoke medical license; allows board to determine appropriate standard of care as to disciplinary proceedings. Amends TCA Title 63, Chapter 6. by *Kyle.

***Senate Bill No. 1558** -- Charitable Solicitations -- Decreases time for authorizing documentation to be filed with secretary of state by solicitor from 30 to 15 days. Amends TCA Title 48, Chapter 3, Part 5. by *Crutchfield.

***Senate Bill No. 1606** -- Children -- Directs department of human services to compile list of programs that encourage and nurture relationships between fathers and their children and to file with house and senate health and human resources committees by May 1, 1995, and annually thereafter; report to include numbers and types of services provided and targeted population. by *Harper.

Senate Bill No. 1852 -- Shelby County -- Subject to local approval, revises hotel motel tax act. Amends Chapter 131, Private Acts of 1969, as amended. by *Ford J, *Person, *Kyle, *Dixon, *Leatherwood, *Cohen.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1872 -- Lake County -- Local Bill Held on House Desk

House Bill No. 1873 -- Gallatin -- Local Bill Held on House Desk

House Bill No. 1874 -- Crossville -- Local Bill Held on House Desk

Pursuant to Rule No. 47, the following Caption Bill(s), held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1254 -- Taxes -- House State and Local Government Committee

House Bill No. 1258 -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

*House Bill No. 1785 -- Boards and Commissions -- House Government Operations for review only; then to House Commerce Committee

CONSENT CALENDAR

House Bill No. 776 -- Historical Commission -- Adds president of the Association of Preservation of Tennessee Antiquities to historical commission. Amends TCA 4-11-102. by *West (*SB939 by *Haynes).

House Bill No. 302 -- Purchasing -- Establishes thresholds for use of competitive bidding in local governments with population over 150,000. Amends TCA Title 12, Chapter 3, Part 10. by *West (*SB295 by *Haynes).

House Bill No. 155 -- Law Enforcement -- Deletes requirement that house and senate members of peace officer standards and training commission be nonvoting members. Amends TCA Title 38, Chapter 8. by *Rhinehart (*SB76 by *Cooper).

House Bill No. 351 -- Taxes, Real Property -- Changes date for person claiming interest in land to be sold for taxes to act from December 31 to following February 28. Amends TCA Title 67, Chapter 5. by *Rhinehart (*SB423 by *Rochelle).

House Bill No. 1342 -- Architects and Engineers -- Authorizes board of architects, engineers, landscape engineers, and interior designers to promulgate rules relative to continuing education requirements. Amends TCA Section 62-2-203. by *Garrett (*SB758 by *Haynes).

On motion, House Bill No. 1342 was made to conform with Senate Bill No. 758; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 143 -- Memorials, Public Service -- Voluntary programs that protect water quality. by *Napier.

House Bill No. 1747 -- Treasurer, State -- Expands breadth of claims award fund; requires attorney general to report to state board of claims use of claims award fund used in defending actions against state and its employees; permits board of claims to reduce reimbursement to state employee if board finds failure to cooperate in defense. Amends TCA Section 9-8-109(d) and Section 9-8-112(h)(1). by *Purcell, *Ridgeway, *Hargrove (*SB1554 by *Haynes).

House Bill No. 1469 -- Marriage -- Authorizes judge to order that support payments made pursuant to order of protection or court approved consent agreement be made under income assignment. Amends TCA Title 36, Chapter 3, Part 6. by *Chumney, *Jones, S., *Langster, *Bowers, *Eckles, *Williams (Williamson), *McMillan, *Brown, *Turner (Ham), *Odom, *DeBerry J, *Westmoreland, *Stamps, *Buck, *Herron, *Kernell, *Pruitt, *Curtiss (*SB307 by *Springer).

On motion, House Bill No. 1469 was made to conform with Senate Bill No. 307; the Senate Bill was substituted for the House Bill.

House Bill No. 831 -- County Officers -- Permits Shelby County to adopt checking system for disbursing of county funds by county trustee. Amends TCA 5-8-210(1). by *Haley (*SB833 by *Leatherwood).

***House Bill No. 1092** -- Water Pollution -- Includes Clarksville in provisions of law regulating storm water management; authorizes tax levy for such purpose. Amends TCA Title 68, Chapter 221, Part 11. by *Head, *McMillan (SB1466 by *Rice).

On motion, House Bill No. 1092 was made to conform with **Senate Bill No. 1466**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1651** -- Municipal Government -- Increases from two to three number of special censuses city may conduct at own expense to determine allocations under gas tax and sales tax. Amends TCA Title 54, Chapter 4 and Title 67, Chapter 6. by *Kent, *Byrd, *Haley (SB1660 by *Person, *Leatherwood).

On motion, House Bill No. 1651 was made to conform with **Senate Bill No. 1660**; the Senate Bill was substituted for the House Bill.

House Bill No. 1545 -- School Districts, Special -- Authorizes Tenth Special School District of Wilson County to issue bonds in an amount not to exceed \$5.5 million; continues tax levy to retire bonds, also authorizes use of local sales tax and BEP capital outlay funds to fund bonds. Amends Chapter 330, Acts of 1901. by *Bell, *Rhinehart (*SB1613 by *Rochelle).

On motion, House Bill No. 1545 was made to conform with **Senate Bill No. 1613**; the Senate Bill was substituted for the House Bill.

House Bill No. 1266 -- Sexual Offenses -- Adds to list that convicted persons are required to furnish biological specimen for DNA analysis, persons convicted of rape of child; allows use of DNA data in investigation of future child rapes. Amends TCA 38-6-113, 40-35-321. by *McDaniel, *Roach (*SB1144 by *Haun).

On motion, House Bill No. 1266 was made to conform with **Senate Bill No. 1144**; the Senate Bill was substituted for the House Bill.

House Bill No. 68 -- Education -- Grants children serving as pages for general assembly during school year excused absences and credited as present for days missed while serving. by *Kent. (*SB19 by *Person, *Leatherwood, *Cohen).

On motion, House Bill No. 68 was made to conform with **Senate Bill No. 19**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 97 -- Memorials, Congress -- Memorializes Congress to establish day of national observance to honor American family. by *Burks, *Wallace, *Springer, *Fowler, *Womack, *Kyle.

***House Joint Resolution No. 80** -- General Assembly, Studies -- Directs select oversight committee on education to review, examine and evaluate needs of disabled students in public schools, impact of required services, and formulation of alternative ways to provide medical or related services. by *Davidson, *Winningham, *Ramsey, *McKee, *McDonald, *Pinion, *Towns, *Bell, *Davis, *Curtiss, *Whitson, *Stulce, *Brown, *Boyer, *Patton, *McMillan.

House Bill No. 1864 -- Manchester -- Subject to local approval, amends charter relative to the election of city officers. Amends Chapter 273, Private Acts of 1959, as amended. by *Lewis (SB1856 by *Burks).

House Bill No. 1866 -- Crockett County -- Subject to local approval, repeals purchasing commission law. Repeals Chapter 806 of the Private Acts of 1937. by *Cole (Dyer) (SB1854 by *Wilder).

House Bill No. 1870 -- Roane County -- Subject to local approval, creates Part II of General Sessions Court. Amends Chapter 77 of the Private Acts of 1959, as amended. by *Cantrell (SB1861 by O'Brien).

House Bill No. 1871 -- Kingsport -- Subject to local approval, amends charter relative to passage of ordinances, duties of city attorney, and public works contracts. Amends Chapter 76 of the Private Acts of 1917, as amended. by *Westmoreland, *Venable, *Ramsey (SB1859 by *Holcomb).

House Joint Resolution No. 213 -- Memorials, Death -- Chief Mark Little Bear. by *Winningham.

House Joint Resolution No. 214 -- Memorials, Academic Achievement -- Munford High School Academic Decathlon Team, Fourth Place, state finals. by *Naifeh.

House Joint Resolution No. 215 -- Memorials, Sports -- 1994 - 1995 University of Tennessee Lady Vols, NCAA National Tournament runner-up. by *Armstrong, *Tindell, *Ritchie, *Burchett, *Bittle, *Boyer, *Dunn, *Williams (Union), *Head.

Senate Joint Resolution No. 148 -- Memorials, Death -- Kenneth M. Sundquist, Moline, Illinois, father of Governor Don Sundquist. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 149 -- Memorials, Death -- Dave A. Alexander, Sr. by *Henry, *Jordan, *McNally, *Cohen, *Rochelle, *Springer, *Wilder.

Senate Joint Resolution No. 150 -- Memorials, Professional Achievement -- Clinton Gregory. by *Rochelle.

Rep. Kisber moved that all members voting aye be added as sponsors of House Joint Resolution No. 215 and Senate Joint Resolution No. 148, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 302: by Rep. West.

Under the rules, House Bill No. 302 was/were placed at the foot of the calendar for April 12, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1686 -- Criminal Offenses -- Requires person convicted of cemetery vandalism to make full restitution for damages resulting from such offense: such order of restitution to be in addition to other criminal penalties imposed for such offense. Amends TCA Section 46-2-105. by *Davidson, *Haley (*SB1626 by *Wright).

On motion, House Bill No. 1686 was made to conform with **Senate Bill No. 1626**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 1626** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps,

Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1658 -- Motor Vehicles, Titling and Registration
-- Requires 100 of each of following license plates to be ordered before issuance: University of Florida, University of Arkansas, and Penn State. Amends TCA Title 55, Chapter 4, Part 2. by *Duer (*SB1260 by *Cohen).

Rep. Duer moved that **House Bill No. 1658** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 2
Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kiser, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bell, Winningham -- 2.

Representatives present and not voting were: DeBerry, L., Ritchie -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1658 and have this statement entered in the Journal: Rep(s). Bell and Winningham.

REGULAR CALENDAR, CONTINUED

House Bill No. 1660 -- Motor Vehicles, Titling and Registration
-- Requires Tennessee district exchange club members to order at least 100 registration plates before any such plate is issued. Amends TCA Title 55, Chapter 4, Part 2. by *Duer (SB1265 by *Cohen, *Kyle).

On motion, House Bill No. 1660 was made to conform with **Senate Bill No. 1265**; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that **Senate Bill No. 1265** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

***House Bill No. 655** -- Advertising -- Lowers permissible maximum sign size on scenic highways from 100 to 90 square feet. Amends TCA Title 54, Chapter 17. by *Bragg, *Buck, *Pinion (SB1346 by *Burks).

Rep. Buck moved that House Bill No. 655 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 655 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 54-17-109, is amended by deleting the language "and" at end of item (13), and further by deleting the punctuation "." at the end of item (14) and by substituting instead the following language:

; and

(15) Tourist oriented directional signs
complying with the provisions of Tennessee Code
Annotated, Title 54, Chapter 5, Part 13.

On motion, Amendment No. 1 was adopted.

Rep. Buck requested that House Bill No. 655 be moved down five places on the Calendar.

House Bill No. 651 -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by *Callicott, *Westmoreland, *Fowlkes, *McDaniel, *Williams (Williamson), *Davidson, *Coffey, *Rigsby, *Tindell, *Kent, *Kisber, *Herron (*SB842 by *Jordan, *Holcomb, *McNally, *Miller).

Rep. Callicott moved that House Bill No. 651 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 651 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. (a) The provisions of Sections 4 through 12 of this act shall only apply in counties having a population in excess of two hundred fifty thousand (250,000) and in any county having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), all according to the 1990 federal census or any subsequent federal census, and in any other county if the county legislative body by resolution adopted by a two-thirds (2/3) vote elects to utilize such method to seek reimbursement as provided therein.

(b) All other counties shall be grouped by development districts established pursuant to Tennessee Code Annotated, Title 13, Chapter 14, Part 1. For such counties the comptroller shall develop guidelines and solicit proposals for the collection of expenses incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail pursuant to the provisions of Section 4(a). The guidelines developed by the comptroller may, to the greatest extent possible, be based on the collection procedures established by this act or may utilize any other collection procedures and standards in the discretion of the comptroller. The guidelines for collection may be based on a statewide proposal, be limited to a proposal by development districts or be a combination of both. In developing the proposals, the comptroller shall give consideration to awarding a contract to the person or entity based on a percentage of amount retained, competency or ability to perform, costs incurred in securing reimbursement or be based on any other criteria developed by the comptroller. The contract awarded by the comptroller shall be a two (2) year contract.

(c) The reimbursements secured under such contracts, less the fee for collection, shall be deposited into the state general fund and, at least annually, shall be distributed to the general fund of the county in which the inmate was incarcerated. Such funds may be used for any lawful purpose.

Rep. Jones U (Shelby) requested that House Bill No. 651 be moved down 3 places on the Calendar.

House Bill No. 1708 -- Game and Fish Laws -- Establishes inference that property is properly posted to prohibit hunting without permission if landowner or person in control of property signs affidavit to such effect. Amends TCA Title 70, Chapter 4. by *Callicott, *Phelan (*SB1602 by *Hamilton).

Rep. Callicott moved that **House Bill No. 1708** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1708 and have this statement entered in the Journal: Rep(s). Cross.

REGULAR CALENDAR, CONTINUED

House Bill No. 1691 -- Domestic Violence -- Establishes domestic violence state coordinating council to develop domestic violence training programs and policies. Amends TCA Title 36, Chapter 3. by *Chumney, *Purcell, *Herron, *Hargrove, *Duer, *Halteman Harwell, *Pruitt, *Turner (Ham), *McMillan (*SB1251 by *O'Brien).

Rep. Chumney moved that House Bill No. 1691 be passed on third and final consideration.

Rep. Chumney moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1691 by deleting the language " within the state by" in Section 2 and by substituting instead the language " within the state. Domestic violence state coordinating council responsibilities include" .

by the AND FURTHER AMEND by deleting the language " to be appointed
Chief Justice of the Tennessee Supreme Court" in Section 3.

end of AND FURTHER AMEND by adding the following language at the
Section 3:

The domestic violence state coordinating council may
add additional members, not to exceed four (4) members, if
such council determines that additional members would
assist the council in fulfilling its duties.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1691 by adding the following to the
list in Section 3 immediately following " President, Tennessee
Sheriff's Association;" :
President, State Court Clerks Conference;

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **House Bill No. 1691**, as amended, be
passed on third and final consideration, which motion prevailed by the
following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.
(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,
McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom,
Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart,
Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley,
Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby),
Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union),
Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh --
97.

A motion to reconsider was tabled.

House Bill No. 558 -- Marriage -- Permits former county
executives to perform marriage ceremonies. Amends TCA 36-3-301. by
*McKee, *Gunnels (*SB515 by *Miller).

On motion, House Bill No. 558 was made to conform with **Senate
Bill No. 515**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that **Senate Bill No. 515** be passed on third and
final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 2
Present and not voting 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Dunn, Herron -- 2.

Representatives present and not voting were: Boyer, DeBerry, L., Shirley -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 515 and have this statement entered in the Journal: Rep(s). Brooks.

REGULAR CALENDAR, CONTINUED

House Bill No. 651 -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by *Callicott, *Westmoreland, *Fowlkes, *McDaniel, *Williams (Williamson), *Davidson, *Coffey, *Rigsby, *Tindell, *Kent, *Kisber, *Herron (*SB842 by *Jordan, *Holcomb, *McNally, *Miller).

Further consideration of House bill No. 651, previously considered on today's Calendar.

Rep. Callicott moved that House Bill No. 651 be reset to the Calendar for Wednesday, April 12, 1995, which motion prevailed.

House Bill No. 1324 -- Probate Law -- Permits use of printed statements rather than canceled checks in situations in which estate's personal representative is bank, savings and loan association or credit union and in situations in which financial institution used does not return canceled checks; clarifies the types of fiduciaries who may disclaim interest in gift or who may be beneficiary. Amends TCA Title 30; 30-2-601; Title 31; 31-1-103; Title 34; 34-6-203; Title 35; 35-50-107; Titles 45, 67; 45-3-514; 45-4-405; 67-2-110; 67-4-409. by *Fowlkes (*SB371 by *Cohen).

Rep. Fowlkes moved that House Bill No. 1324 be reset to the Calendar for Wednesday, April 12, 1995, which motion prevailed.

***House Bill No. 655** -- Advertising -- Lowers permissible maximum sign size on scenic highways from 100 to 90 square feet. Amends TCA Title 54, Chapter 17. by *Bragg, *Buck, *Pinion (SB1346 by *Burks).

Further consideration of House Bill No. 655, previously considered on today's Calendar, at which time the House adopted Amendment No. 1.

Rep. Buck moved that House Bill No. 655 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 655 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. McAfee moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 655 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties _____ having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
285,000

nor more than
286,000

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 655 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
4,800	5,100
8,600	8,900
9,650	10,000
13,100	13,370
24,600	24,900
32,900	33,000

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes 60
Noes 28

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bragg, Buck, Byrd, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDonald, McKee, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Tindell, Towns, Turner (Shelby), Walley, West, White, Whitson, Williams (Williamson), Windle, Winningham -- 60.

Representatives voting no were: Armstrong, Bittle, Boyer, Brown, Burchett, Callicott, Chumney, Coffey, DeBerry, L., Duer, Dunn, Ford, Halteman Harwell, Jones, R. (Shelby), McAfee, McDaniel, Newton, Patton, Peach, Ramsey, Ritchie, Sharp, Stamps, Stulce, Turner (Hamilton), Venable, Westmoreland, Wood -- 28.

Rep. Buck moved that **House Bill No. 655**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Bittle, Boyer, Burchett, Coffey, Dunn, Haley, Ritchie -- 7.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 655 and have this statement entered in the Journal: Rep(s). Williams (Union).

REGULAR CALENDAR, CONTINUED

House Bill No. 1291 -- Game and Fish Laws -- Authorizes TWRA to issue new hunting permit for Reelfoot waterfowl blind for \$50.00. Amends TCA 70-2-219(a). by *Pinion (*SB1408 by *Gilbert).

Rep. Pinion moved that House Bill No. 1291 be reset to the Calendar for Thursday, April 13, 1995, which motion prevailed.

House Bill No. 1264 -- Historical Sites -- Adds items submerged in waterways to archaeology laws. Amends TCA Title 11, Chapter 6. by *McDaniel (*SB169 by *Womack).

Rep. McDaniel moved that House Bill No. 1264 be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1264 in subsection (a) of the amendatory language of Section 3 by deleting the words " the division of archeology shall" and by substituting instead the words " the division of archeology is authorized to" .

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 1264**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	2
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Dunn, Ritchie -- 2.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

House Bill No. 1141 -- Education -- Changes method by which proration of BEP funds is calculated in case of LEAs with 2 percent or greater year-to-year growth. Amends TCA Section 49-3-354. by *Head, *Bragg, *Davidson, *Callicott, *McMillan, *McDonald, *Curtiss, *Williams (Williamson), *Eckles, *Naifeh (*SB1467 by *Henry).

Rep. Head moved that House Bill No. 1141 be passed on third and final consideration.

Rep. Kisber moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2:

Amendment No. 2

AMEND House Bill No. 1141 by adding the following new section immediately following Section 1, as introduced, and by renumbering the subsequent section accordingly:

SECTION 2. The increased amount of funds calculated pursuant to the provisions of Section 1, if available, shall be distributed in accordance with the provisions of this act beginning with the 1995-1996 fiscal year and thereafter such funds shall also be distributed in accordance with the provisions of this act.

On motion, Amendment No. 2 was adopted.

Rep. Head moved that **House Bill No. 1141**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable,

Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 20** -- Domestic Violence -- Broadens definition of "spousal abuse" to include certain other family members; revises procedures for arrest of person accused of domestic abuse; authorizes seizure of weapons found incident to such arrests. Amends TCA Title 36, Chapter 3; Title 40, Chapter 7. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *West, *Miller L, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell, *Lewis, *Walley, *Byrd, *Ford S (SB774 by *Haynes).

Rep. Herron moved that House Bill No. 20 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 20 by deleting SECTION 3 in its entirety and by renumbering subsequent sections and internal cross-references accordingly.

On motion, Amendment No.1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 20 by deleting subsection (a) of the amendatory language of SECTION 7 and by substituting instead the following:

(a)(1) If a law enforcement officer has probable cause to believe that a criminal offense involving abuse against a family or household member, as defined in Tennessee Code Annotated, Section 36-3-601, has occurred, the officer shall seize all weapons that are alleged to have been used by the abuser or threatened to be used by the abuser in the commission of a crime.

(2) Incident to an arrest for a crime involving abuse against a family or household member, as defined in Tennessee Code Annotated, Section 36- 3-601, a law enforcement officer may seize a weapon that is in plain view of the officer or discovered pursuant to a consensual search, if necessary for the protection of the officer or other persons. Provided, however, a law enforcement officer is not required to remove a weapon such officer believes is needed by the victim for self-defense.

FURTHER AMEND by deleting the first sentence of subsection (b) of the amendatory language of SECTION 7 and substituting instead the following:

The provisions of Tennessee Code Annotated, Section 39-17-1317, relative to the disposition of confiscated weapons shall govern all weapons seized pursuant to this section that were used or threatened to be used by the abuser to commit the crime. Provided, however, if multiple weapons are seized, the court shall have the authority to confiscate only the weapon or weapons actually used or threatened to be used by the abuser to commit the crime. All other weapons seized shall be returned upon disposition of the case.

FURTHER AMEND by deleting SECTION 8 in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Rep. Peach moved that House Bill No. 20 be reset to the Calendar for Wednesday, April, 12, 1995, which motion prevailed.

House Bill No. 718 -- Decatur County -- Subject to local approval, creates court administered safety program in Decatur County general sessions court. by *Peach, *Williams (Williamson) (SB479 by *Springer, *Leatherwood).

Rep. Peach moved that House Bill No. 718 be reset to the Calendar for Monday, April 17, 1995, which motion prevailed.

***House Bill No. 1491** -- Trade Regulation -- Directs owner of rental property to mark and identify such property. Amends TCA Title 39, Chapter 14. by *Joyce (SB1647 by *Person).

Further consideration of House Bill No. 1491, previously considered on April 5, 1995, and reset to today's Calendar.

Rep. Joyce moved that House Bill No. 1491 be reset to the Calendar for Monday, April 24, 1995, which motion prevailed.

***House Bill No. 679** -- Pensions and Retirement Benefits -- Authorizes TCRS to administer on behalf of political subdivision participating in TCRS preexisting public employee retirement plan; revises interest due on missed retirement payments by persons on educational leave; provides for payments to surviving spouse if such spouse is named as beneficiary. Amends TCA Title 8, Chapter 35, Part 2; Title 8, Chapter 37, Part 1; 8-34-

606(a); 8-35-107; 8-36-121; 8-36-805; 68-2-1118. by *Rhinehart (SB1048 by *Atchley).

Rep. Rhinehart moved that House Bill No. 679 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 679 by adding the following as new SECTIONS 12 and 13, respectively, and by redesignating the current SECTIONS accordingly:

SECTION 12. Tennessee Code Annotated, Section 8-37-104(a), is amended by deleting subdivision (3) thereof in its entirety and by substituting instead the following:

(3) Within the restrictions set forth in subdivisions (a)(1) and (2), the board of trustees may invest in or otherwise acquire stocks, bonds and other securities in such foreign countries as the board may determine with the approval of the council on pensions and insurance. Provided, however, any such securities must be substantially of the same kinds, classes, and investment grades as those otherwise eligible for investment by the board and no more than fifteen percent (15%) of the system's total assets may be invested in such securities.

SECTION 13. Tennessee Code Annotated, Title 8, Chapter 37, Part 1, is amended by adding the following new section:

8-37-1 _____. (a) Notwithstanding any other provision of the law to the contrary, the board of trustees is expressly authorized to contract for investment management services for the retirement system's foreign portfolios and to provide for the powers, duties, functions and compensation of any investment managers so engaged. Any contract for such investment management services shall be procured in the manner prescribed by the board. The board may authorize the system's investment consultant to initially evaluate and make recommendations regarding proposals submitted by investment managers.

(b) All expenses and fees incidental to such outside investment management shall be charged to and paid from the earnings of the funds.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 679**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0
Present and not voting	10

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,

McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Bird, Dunn, Haley, Halteman Harwell, Jones, U (Shelby), McDonald, Odom, Shirley, Stamps, West -- 10.

A motion to reconsider was tabled.

House Bill No. 1007 -- Education -- Requires presence of at least one person at each public elementary and secondary school certified by Red Cross and capable of administering first aid and CPR during all regular school hours; effective 1/1/96 Amends TCA Title 49, Chapter 5. by *Ridgeway, *Byrd, *Patton (*SB933 by *Haynes).

Rep. Ridgeway moved that **House Bill No. 1007** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education -- Deletes statutory language which states that any superintendent or director of schools, who is appointed to such office by a popularly elected school board, is only required to have a baccalaureate degree in order to hold such office. Amends TCA Section 49-2-301. by *Winningham, *McAfee, *Duer (*SB1333 by *Burks).

Further consideration of **House Bill No. 1539** previously considered on April 6, 1995, and reset for today's Calendar.

Rep. Winningham moved that **House Bill No. 1539** be reset to the Calendar for Thursday, April 13, 1995, which motion prevailed.

***House Bill No. 352** -- Traffic Safety -- Adds local governmental entities to list of entities that may assess fee for conducting driver improvement course; fee not to exceed \$50.00 and must be conducted by government or 501(c)(3) corporation; no one shall be refused admittance for inability to pay. Amends TCA Section 55-10-301. by *Odom (SB964 by *Haynes).

Further consideration of House Bill No. 352 previously considered on March 9, 1995, March 16, 1995, and April 6, 1995, at which time House Amendment No. 1 was adopted and reset for today's Calendar.

On motion, House Bill No. 352 was made to conform with **Senate Bill No. 964**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 964 be passed on third and final consideration.

Rep. Odom moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 964 by deleting Section 1 of the printed bill and substituting the following:

Section 1. Tennessee Code Annotated, Section 55-10-301(b)(2), is amended by inserting the words " by any entity of local government or" between the words " that is conducted" and the words " by a nonprofit organization" .

Rep. Jackson moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved that Senate Bill No. 964, as amended, be passed on third and final consideration.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 964**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	62
Noes	29
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bowers, Boyer, Bragg, Brown, Buck, Byrd, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hassell, Head, Herron, Hicks, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McDaniel, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Pinion, Ridgeway, Rinks, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Shelby), White, Williams (Williamson), Windle, Wood -- 62.

Representatives voting no were: Beavers, Bittle, Burchett, Callicott, Cole (Carter), Davidson, Davis, Halteman Harwell, Hargrove,

MONDAY, APRIL 10, 1995 -- THIRTY-FIRST LEGISLATIVE DAY

Huskey, Kisber, McAfee, McDonald, Newton, Phillips, Ramsey, Rhinehart, Rigsby, Ritchie, Stamps, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Winningham, Mr. Speaker Naifeh -- 29.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 12, 1995:

House Bill No. 1217: by Rep. Rhinehart.

Senate Bill No. 1504: by Rep. Callicott.

House Bill No. 1069: by Rep. Kisber.

Senate Bill No. 1719: by Rep. Pinion.

BILLS WITHDRAWN

On motion of Rep. Napier, **House Bill No. 1052** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Peach, **House Bill No. 718** was recalled from the Regular Calendar and withdrawn from the House.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Kisber moved that the Clerk request the return of House Bill No. 952 from the Governor, which motion prevailed.

RULES SUSPENDED

Rep. Peach moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 153 out of order, which motion prevailed.

Senate Joint Resolution No. 153 -- Memorials, Recognition and Thanks -- Holly Godwin, Jr., Melvin Jones Award recipient. by *Springer.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Peach, the resolution was concurred in.

RULES SUSPENDED

Rep. DeBerry L moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 218 out of order, which motion prevailed.

House Joint Resolution No. 218 -- General Assembly, Joint Conventions -- Schedules joint convention on Monday, April 17, 1995 at 5:30 p.m. to recognize 100th year of women in state legislatures. by *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. DeBerry L moved that House Joint Resolution No. 218 be adopted.

Rep. DeBerry L moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 218 by deleting from the first resolving clause the language " 5:30" and substituting instead " 6:00" .

On motion, Amendment No. 1 was adopted.

On motion of Rep. DeBerry L, the resolution, as amended, was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hassell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 159 out of order, which motion prevailed.

Senate Joint Resolution No. 159 -- Memorials, Recognition and Thanks -- Adair Schippers. by *Person, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hassell, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 12: Rep(s). Ramsey, Venable and Westmoreland as prime sponsor(s).

House Bill No. 554: Rep(s). Coffey as prime sponsor(s).

House Bill No. 655: Rep(s). Ridgeway and Cross as prime sponsor(s).

House Bill No. 828: Rep(s). Cross and Jones S as prime sponsor(s).

House Bill No. 1141: Rep(s). Boyer and Stamps as prime sponsor(s).

House Bill No. 1348: Rep(s). Davidson as prime sponsor(s).

House Bill No. 1843: Rep(s). Cole(Carter) as prime sponsor(s).

ENROLLED BILLS

April 10, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 132, 175, 348, 782, 1097, 1847, 1855, 1857, 1858, 1859 and 1863; House Joint Resolution(s) No(s). 187, 188, 189, 190, 191, 192, 194, 195, 196 and 197; also, House Resolution(s) No(s). 42 and 43.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 10, 1995

The Speaker signed the following: House Bill(s) No(s). 132, 175, 348, 782, 1097, 1847, 1855, 1857, 1858, 1859 and 1863; House Joint Resolution(s) No(s). 187, 188, 189, 190, 191, 192, 194, 195, 196 and 197; also, House Resolution(s) No(s). 42 and 43.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 5; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 91, 200 and 201; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 10, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 155, 351, 655, 679, 776, 1007, 1141, 1264, 1658, 1691, 1708, 1747, 1864, 1866, 1870

MONDAY, APRIL 10, 1995 -- THIRTY-FIRST LEGISLATIVE DAY

and 1871; also, House Joint Resolution(s) No(s). 80, 143, 213, 214, 215 and 218.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 10, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 42, 149, 299, 464, 853, 1023, 1024, 1113 and 1739; also House Joint Resolution(s) No(s). 193 199; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 211 and 212; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 62, 409, 669, 730, 761 and 1425; also, Senate Joint Resolution(s) No(s). 139, 140, 143, 144, 145 and 146; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
April 10, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 42, 149, 299, 464, 1023, 1024, 1113 and 1739; also, House Joint Resolution(s) No(s). 193 and 199.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 10, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 132, 175, 348, 782, 1097, 1847, 1855, 1857, 1858, 1859 and 1863; also, House Joint Resolution(s) No(s). 187, 188, 189, 190, 191, 192, 194, 195, 196 and 197; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 58, 122, 151, 152, 154 and 160; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 58 --** General Assembly, Directed Studies -- Directs department of finance and administration to conduct study relative to increased utilization of home and community-based

MONDAY, APRIL 10, 1995 -- THIRTY-FIRST LEGISLATIVE DAY

long-term care services as alternatives to nursing home care. by *Henry, *Cohen.

***Senate Joint Resolution No. 122** -- Memorials, Congress -- Urges Congress and department of energy to actively support and fund Oak Ridge Centers for Manufacturing Technology. by *McNally.

Senate Joint Resolution No. 151 -- Memorials, Recognition and Thanks -- Private Industry Council of Service Delivery Area #4 and Job Training Program of Roane State Community College. by *O'Brien.

Senate Joint Resolution No. 152 -- Memorials, Recognition and Thanks -- Reverend Verlon Moore, Hilldale Baptist Church, Clarksville. by *Rice.

Senate Joint Resolution No. 154 -- Naming and Designating -- "Upper Cumberland Drinking Water Month," May 1995. by *Burks, *O'Brien.

Senate Joint Resolution No. 160 -- General Assembly, Joint Conventions -- "Days of Remembrance" ceremony, April 26, 1995. by *Cohen.

MESSAGE FROM THE SENATE
April 10, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 12, 941 and 1304; all passed by the Senate.
CLYDE W. MCCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 12** -- Judicial Districts -- Creates one criminal court judge position, three assistant district attorney general positions and one criminal investigator position for 30th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by *Person, *Leatherwood, *Kyle.

***Senate Bill No. 941** -- Highways, Roads and Bridges -- Directs department of transportation to erect sound barrier fence at I40-E and Old Hickory Boulevard. by *Haynes.

***Senate Bill No. 1304** -- Cemeteries -- Purports to amend annual report requirements of cemetery companies and audit requirements; however, makes no substantive change in the law. Amends TCA 46-2-202, 205. by *Ford J.

HOUSE BILL RETURNED

The Clerk returned House Bill No. 952 to the Senate, as requested.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),

MONDAY, APRIL 10, 1995 -- THIRTY-FIRST LEGISLATIVE DAY

Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, April 12, 1995.